

NOV 15 2006

Application No.: 10/797,713

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Docket No.: 62588(71699)

**REMARKS**

Claims 1-44 were pending in the application. Claim 1 has been amended and claims 2-16 have been canceled by the amendments presented herein. Accordingly, after the amendments presented herein have been entered, claims 1 and 17-44 will remain pending.

*No new matter has been added.* Any cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

***Restriction Requirement***

In the restriction requirement set forth in the Office Action mailed September 15, 2006, the Examiner has required restriction to one of the inventions set forth in Groups I-VI. Applicant hereby elects Group VI (claims 17-44) for continued examination, with traverse. Applicant believes that the Examiner intended to indicate Group VI as including claims 17-44 and not 17-40 as indicated in the Restriction Requirement. Claims 41-44 are device claims that depend from device claims 17-20, and therefore would appear to belong in Group VI.

Applicant has amended claim 1, to depend directly from device claims 17-20. The device of claims 17-44 and the method of claim 1 are related as product and method of use. Applicant respectfully requests that the Examiner reconsider the restriction and group claim 1 in with Group VI, and allow continued prosecution of claims 1 and 14-44.

The Examiner has further required the election of a single species for the prosecution on the merits if it is found that generic claim 17 is not allowable. Applicant hereby elects the species "the effectiveness of said varying bioremediation strategies for said environment, wherein said microcosms are configured to be representative of said varying bioremediation strategies" from claims 37-40 for this purpose.

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Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance. If a telephone conference with the Applicant's Agent would expedite allowance of this application, the Examiner is asked to call the undersigned at the number indicated below.

Dated: November 15, 2006

Respectfully submitted,

By

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